

DWIGHT M. SAMUEL (CA BAR# 054486)
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Attorney for Defendant
Michael Francis Egan

OK/HAV

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Michael Francis Egan,

Defendant.

NO. CR.S. 03-0471

STIPULATION AND ORDER

Defendant, through his counsel, Dwight M. Samuel, and the United States of America, through Assistant U.S. Attorney, Phillip A. Ferrari, stipulate that the Status conference presently set for June 23, 2005 at 10am should be continued to August 25, 2005 at 10am.

In addition, it is agreed that the court should find excludable time from June 23, 2005 up to and including August 25, 2005.

The foundation for the requested exclusion of time is local rules T-2, preparation of counsel, and T-4 , complexity of the case.

As to the exclusion of time under both local rules the allegations made in the indictment reflect a complex fraud covering multiple out of country locations as well as complex tax issues.

Only one week ago defense counsel received discovery which includes the following:

Discovery pages 1- 2825 in 5 white binders

1 2 accordion folders work product

2 1 video and transcript of the deposition of Dorothy Labbard

3 One bankers box full of files and papers

4 12 audio cassettes

5 I also note that there are related indictments involving individuals who have plead or
6 been given deals.

7 Shortly after my appointment, I became aware that investigation in various out of
8 country locations may be appropriate and if required will increase the complexity of this case
9 substantially. Just the procedures to obtain evidence and testimony outside of the United
10 States alone is complex, to say nothing of coordinating defense and prosecution's calendars to
11 effect the obtaining of competent evidence that would be admissible in a U.S. Court of law.

12 In addition, I will be out of the State of California from June 30, 2005 through July 15,
13 2005 for a long needed vacation.

14 I swear under penalty of perjury the above is true and as such request the court to find
15 excludable time to the date of the next Status conference of August 25, 2005 at 10am.

16 Respectfully submitted,

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18 DATED: June 22, 2005

____s/s____
DWIGHT M. SAMUEL
Attorney for Defendant
Michael Francis Egan

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20
21 DATED: June 22, 2005


____s/s____
Phillip Ferrari
Assistant United States Attorney
(Signed per Telephonic authorization)

ORDER

The status conference presently set for June 23, 2005 at 10 am is vacated and a new status conference is set for August 25, 2005 at 10am.

Time is excluded pursuant to local rules T-2 and T-4 base upon the declaration of Dwight M. Samuel.

DATED: 6/22/2005



DAVID F. LEVI
United States District Judge

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